

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
September 17, 2008

PRESENT: Mayor Reed and Council Members Chirco and Nguyen.

ABSENT: Vice Mayor Cortese (left @ 3:00 p.m.), Council Member Constant

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Assistant City Manager Christine Shippey, Senior Deputy City Attorney Lisa Herrick, Director of Communications Tom Manheim, Redevelopment Agency Assistant Director Gary Miskimon, Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review of September 23, 2008 Final Agenda.

Action: The Committee approved the September 23, 2008 City Council Final Agenda with the following additions:

- Item 7.1 (Actions Related to the Cities "Keep It Clean" Programs) was deferred to October 7, 2008.
- Item 7.3 (Private Sector Green Building Policy) was deferred to October 7, 2008.
- Presentation of gifts from the Dublin, Ireland Sister City Delegation.

2. Review of September 30, 2008 Draft Agenda.

Action: The Committee approved the September 30, 2008 City Council Draft Agenda with the following additions:

- Request for excused absence for Councilmember Chu from the Neighborhood Services and Education Committee on October 9, 2008.
- Request for excused absences for Councilmember Constant from Evening Session of the City Council Meeting on September 9, 2008 and Closed Session of the City Council Meeting on September 30, 2008.

B. Redevelopment Agency

1. Review of September 23, 2008 Final Agenda.

2. Review of September 30, 2008 Draft Agenda.

Action: The Committee approved the September 23, 2008 Final Redevelopment Agency Agenda and there were no additional items for the September 30, 2008 Draft Redevelopment Agency Agenda.

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C. Legislative Update

1. State

(a) Sacramento Update

Director of Intergovernmental Relations Betsy Shotwell provided a brief update.

(b) AB 31 (De Leon) – parks Program under Proposition 84.

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso dated September 10, 2008 recommend the Mayor and City Council support AB 31 and provide a one-week turn around for Mayor and Council to review.

Action: The Committee approved a support position to AB 31 with a one-week turnaround to Council for review.

2. Federal

There were no updates.

D. Meeting Schedules

1. Approval to set a special Council Meeting on October 14, 2008 from 1:00 p.m. to 2:30 p.m.

Documents Filed: Memorandum from City Clerk Lee Price dated September 11, 2008 recommend to set a special Council Meeting on October 14, 2008 for the purpose of interviewing applicants for the Appeals Board, Elections Commission and the Civil Service Commission.

Action: The Committee set the special Council Meeting, as amended: time from 1:00 p.m. to 3:00 p.m.

2. Approval to set a study session on Historic Preservation for October 23, 2008 from 9:00 a.m. to 12:00 p.m. in Council Chambers.

DEFERRED FROM SEPTEMBER 10, 2008

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel dated September 4, 2008 recommend to set a study session on Historic Preservation on Tuesday, October 23, 2008 from 9:00 a.m. to 12:00 p.m.

Action: The Committee set a study session on Historic Preservation for October 23, 2008.

3. **Approval to change the Study Session on the Three-Year General Fund Structural Deficit Elimination Plan to December 5, 2008 from 9:00 a.m. to 4:00 p.m.**

Documents Filed: Memorandum from Deputy City Manager Deanna Santana dated September 11, 2008 approve to change the date and time for the Three-Year General Fund structural Deficit Elimination Plan & Organizational Improvement Plan to December 5, 2008 from 9:00 a.m. to 4:00 p.m.

Action: The Committee approved the date and time change for the Three-Year General Fund Structural Deficit Elimination Plan.

E. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated September 12, 2008, transmitting items for the Public Record for the period of September 6-11, 2008.

Mayor Reed noted that item (g) was not a complete document and asked the Clerk to redistribute it.

Action: The Committee noted and filed the Public Record.

F. Appointments to Board, Commissions and Committee
There were none.

G. Rules Committee Reviews, Recommendations and Approvals

1. **Adopt a resolution of Support for Measure A on the November Ballot.**
2. **Approval to support Measure A – Hospital Seismic Safety and Medical Facilities.**

Documents Filed:(1) Memorandum from Mayor Chuck Reed and Councilmember Liccardo dated September 11, 2008 regarding an addition to the September 23, 2008 Council Agenda – Endorsement of Measure A on November Ballot.

(2) Memorandum from Director of Intergovernmental Relations Betsy Shotwell dated September 11, 2008 recommending City Council support Measure A on the November 4, 2008 General Election ballot with a request for a one-week turnaround to Council.

Action: The Committee approved a support position for Measure A with a one-week turnaround for Council review (September 23, 2008).

3. **Approve recommended City positions for four 2008 League of California Cities Resolutions.**

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell dated September 11, 2008 recommending approval on City positions for four resolutions to be considered at the League of California Cities with a one-week turnaround to Council.

Action: The Committee approved the recommended City positions for four resolutions with a one-week turnaround for Council review (September 23, 2008).

4. **Recommendation that the City Council and Agency Board accept the disclosure of property interest by Joseph Horwedel, Director of Planning for the City of San Jose, and direct that the disclosure be entered into the public minutes of the Agency Board meeting.**

RECOMMEND DEFERRAL TO SEPTEMBER 24, 2008

Action: The Committee deferred this item to September 24, 2008.

5. **Recommendation that the City Council and Agency Board accept the disclosure of property interest by Debra Figone, City Manager, and direct that the disclosure be entered into the public minutes of the Agency Board meeting.**

Action: The Committee deferred this item to September 24, 2008.

6. **Review of the Analysis of the 2006 election Cycle.**

Documents Filed: Memorandum from City Clerk Lee Price dated September 12, 2008 as recommended by the Elections Commission, review the Analysis of the 2006 Election Cycle prepared by MGT America, Inc.

The Mayor noted that there are some outstanding Council referrals to the Elections Commission and noted a desire to have that information gathered before moving this report to the full Council. City Attorney Rick Doyle noted that a number of the referrals were deferred due to a pending appeal before the Ninth Circuit. He added that he expects a decision soon.

Action: The Committee requested a report back from the City Attorney within a month about pending referrals relating to campaign contribution reporting.

7. **Update on Board/Commission Member Absence Policy.**
REFERRED FROM AUGUST 27, 2008
RECOMMEND DEFERRAL TO SEPTEMBER 24, 2008

Action: The Committee deferred this item to September 24, 2008.

H. Review of additions to Council Committee Agenda

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education (NSE) Committee**
 - **Approval to add item to the October 9, 2008 agenda entitled, "Report on Healthy Neighborhoods Venture Fund (HNVF) Migration to Results Based Accountability Model.**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso dated August 23, 2008 recommending approval to add the "Report on HNVF Migration to Results Based Accountability Model" to the October 9, 2008 NSE Committee agenda.

Action: The Committee approved the addition to the October 9, 2008 NSE Committee agenda.

3. Transportation and Environment (TE) Committee

- **Request to add an item to the October 6, 2008 agenda.**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel dated September 5, 2008 recommending approval to add an item to the October 6, 2008 TE Committee agenda seeking approval of the elements of a Request for Proposals (RFP) for City-generated zone towing agreements.

Action: The Committee approved the addition of the item to the October 6, 2008 TE Committee agenda.

4. Public Safety, Finance and Strategic Support Committee

There were none.

I. Open Government Initiatives

2. Sunshine Reform Task Force (SRTF)

Review of SRTF Phase II Report and Recommendations

- a. SRTF Phase II Report and Recommendations.**
- b. Staff's Response to Phase II Report and Recommendations of the SRTF.**
- c. SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.**
- d. Proposed language for Ethics and Conduct Section relating to lobbyists.**
- e. Letter from Bert Robinson regarding amendments and accountability.**

Documents Filed: (1) Memorandum from Director of Communications Tom Manheim dated September 12, 2008 regarding proposed language for ethics and conduct section 5.3 (c) to be discussed on September 17, 2008. (2) Letter from Bert Robinson regarding amendments and accountability.

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Discussion: Senior Deputy City Attorney Lisa Herrick summarized changes to language relating to the Task Force's recommendations outlined in the Ethics and Conduct section of the Phase II Report regarding registered lobbyists, as a follow-up to the Committee's discussion on September 10, 2008. Discussion followed.

Action: The Committee agreed to recommend to the City Council that it refer the above referenced matter to the Mayor's Biennial Review of the City's Ethics Codes (which includes the lobbyist ordinance).

Committee discussion continued regarding Task Force recommendations outlined in the Technology section of the Phase II Report.

Dan Pulcrano, Vice Chair of the Task Force, spoke in support of utilizing an electronic index, available on the City's website, to make it easier for the public to locate records.

The Committee also discussed records retention schedules.

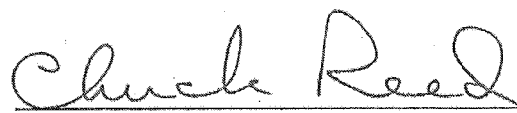
Mayor Reed requested that staff explore options to create an electronic index for records and suggested that the Rules and Open Government Committee may be the appropriate body to review changes proposed to City records retention schedules.

Discussion followed regarding the Task Force recommendations relating to the Administration and Accountability section of the Phase II Report. Director of Communications Tom Manheim provided visual aids to demonstrate the process proposed for appealing decisions regarding the release of records or complaints relating to the conduct of meetings. Bert Robinson Sunshine Reform Task Force member and Chair of the Records subcommittee, spoke in favor of the Task Force's recommendations and summarized points made in his letter to the Committee dated September 10, 2008.

The Committee continued the discussion to October 14, 2008 and asked staff to recirculate letters received from the public regarding Police Records.

J. Open Forum
None were presented.

K. Adjournment
The meeting was adjourned at 4:05 p.m.


Mayor Chuck Reed
Rules and Open Government Committee